

## **REMARKS**

Applicants thank the Examiner for finding claim 34 to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1-11 were previously canceled. Claims 34, 36 and 37 have been amended. Claims 12-33, 35 and 39-42 have been canceled without prejudice. No claims have been added. Thus, claims 34 and 36-38 are pending.

### **35 U.S.C. §102 Rejections**

#### **35 U.S.C. §102(b) Rejection over *Aoki***

The Office Action rejects claims 32, 33, 36 and 37 under 35 U.S.C. §102(b) as being anticipated by *Aoki et al.*, USPN 6,336,989 (hereinafter "*Aoki*"). A claim is anticipated only if each and every claim element is found, either expressly or inherently described, in a single prior art reference, wherein the identical invention is shown in as complete detail as is contained in the claim. *See* M.P.E.P. §2131. Without agreeing as to the characterizations of the above claims in the Final Office Action, and in order to advance the claims to allowance, Applicants cancel claims 32 and 33 without prejudice, rendering moot the above rejection as applied thereto. Applicants traverse the above rejection of pending claims 36 and 37 for at least the following reasons.

Claims 36 and 37 are amended herein to depend from currently amended claim 34. As discussed below, claim 34 is amended herein to include a combination of limitation which the *Allowable Subject Matter* section on page 5 of the Final Office Action states is allowable. To the extent that they depend from a claim which the Final Office Action states is allowable, each of currently amended claims 36 and 37 includes a combination of claim limitations which is not anticipated by *Aoki*. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §102(b) rejection of pending claims 36 and 37 based on *Aoki* be withdrawn.

### **35 U.S.C. §103(a) Rejections**

#### **35 U.S.C. §103(a) Rejection over *Aoki***

The Office Action rejects claim 38 under §103(a) as being obvious in light of *Aoki*. To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by one or more prior art references. See M.P.E.P. § 2143.03. The Office Action relies at least in part on the previously discussed 35 U.S.C. §102 rejection of claim 37. For at least the following reasons, Applicants traverse the above rejection.

Claim 38 depends directly from claim 37. As discussed above, claim 37 has been amended herein to include a combination of limitations which the Final Office Action states is allowable. More particularly, claim 37 is amended to depend from claim 34, which in turn is amended herein to include a combination of limitation which the *Allowable Subject Matter* section on page 5 of the Final Office Action states is allowable. To the extent that it depends from a claim which the Final Office Action states is allowable, currently amended claims 38 includes a combination of claim limitations which is not obvious in light of *Aoki*. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103 rejection of claims 38 based on *Aoki* be withdrawn.

#### **Allowable Subject Matter**

In the *Allowable Subject Matter* section on page 5, the Final Office Action states that claim 34 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Without agreeing as to the characterizations of the claims in the Final Office Action, and in order to advance the application to allowance, Applicants amend claim 34 herein to include the limitations of base claim 32 and intervening claim 33. Applicants respectfully submit that currently amended claim 34 includes a combination of limitations which the Final Office Action states is allowable. Furthermore, in variously depending from amended claim 34, each of claims 36-38 incorporate a combination of limitations which the Final Office Action states is allowable.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 34 and 36-38 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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